

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Plaintiff,
vs.
WILLIAM WOLFE, et al.,
Defendants.

:
:
: Case No.:C.A.-04-230-ERIE
:
: MAGISTRATE JUDGE BAXTER
:
: DISTRICT JUDGE COHILL
:
:
:

MOTION TO DENY DEFENDANTS RESPONSE


Plaintiff moves this Honorable Court to deny the Defendants the opportunity to respond to Plaintiff's motion to amend and supplement the complaint a second time, and in support avers:

- 1). There is a motion to dismiss pending before this Court.
- 2). This Court gave the Defendants until on or **before** September 28, 2005 to file a response to Plaintiffs motion to amend (Doc. #115).
- 3). Today is October 3, 2005 and the Defendants have failed to file the response and it is asked that they now be precluded from filing. They have not filed as Ordered by this Court.

WHEREFORE, Plaintiff asks that this Court deny the Defendants from filing a response due to their non-compliance with the Court Order.

Date: October 3, 2005

Respectfully submitted,


Anthony DeFranco CZ3518
10745 Route 18
Albion, Pa. 16475-0002

CERTIFICATE OF SERVICE

Service of the foregoing was made
by US First Class Mail this date to
the Attorney General, 564 Forbes Ave., Pgh., Pa. 15219.